

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Install substation and enclosure to south-west boundary and associated works.

LOCATION: Grace Stables, Fort Road, St. Peter Port.

APPLICANT: Guernsey Electricity Limited

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 18/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Guernsey Electricity Ltd: P02-01-12-0129/D04, BS4142
Assessment Report & Wilson Power Solutions

Application Ref: FULL/2024/0620

Property Ref: A409320000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development

(Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - The equipment is close to residential properties and a limit on noise generation is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 18/06/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning

Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/0620
Property Ref: A409320000
Valid date: 04/04/2024
Location: Grace Stables Fort Road St. Peter Port Guernsey
Proposal: Install substation and enclosure to south-west boundary and associated works.

Applicant: Guernsey Electricity Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from

the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - The equipment is close to residential properties and a limit on noise generation is needed to prevent a nuisance or annoyance to nearby residents.

OFFICER'S REPORT

Site Description:

The site is the corner of a field, currently divided into horse paddocks, and accessed from Damouettes Lane. Residential properties are situated to the south and west.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

None relating to this proposal.

Existing Use(s):

28 agriculture

Brief Description of Development:

The application relates to the installation of an electricity substation with GRP enclosure with 1.2m high timber, agricultural style gates, to the lane.

The submission is accompanied by a covering letter which specifies that the substation is proposed to increase capacity to meet demand and noting that the installation is beneficial to Grace Stables and the neighbouring community and will offer additional load in the area (where it has previously been declined).

The application was deferred in order for the applicant to provide additional information to address the concerns of the Office of Environmental Health and Pollution Regulation (OEHPR).

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

IP11: Small-scale Infrastructure Provision

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

Representations:

Two letters of representation have been submitted objecting to the application, expressing concerns about the size and visual impact of the substation. Queries are raised regarding the plans of the site owner, location of the substation and possible future proposals of the current land owner. It is acknowledged that power to houses in Damouettes Lane is overdue for upgrade but noting that the road has recently been resurfaced indicating that the upgrade is therefore unlikely to happen soon. Residents feel that the application has been pre-determined and that their right to object and have their voices heard have been taken away. Concerns are also highlighted about the noise associated with such equipment and the fact that there would be plenty of other convenient locations close to Fort Road where harm to residents would be less. In the UK such equipment should be set away from residential properties particularly given that there is chance of low-level harmful emissions from such equipment.

Consultations:

Office of Environmental Health and Pollution Regulation - There is currently insufficient information submitted for me to comment fully on this application.

I am concerned about the proposed location of the substation and its proximity to residential properties. Electrical substations operate at low frequencies, emanating tonal peaks of 100Hz, and I have concerns about the potential for noise from the substation to affect the amenity of those living closest to it.

I would ask that further information is submitted about the acoustic insulation properties of the GRP enclosure, so that I can assess whether the substation is likely to cause disturbance to residents if located as proposed.

Following receipt of further information:

OEHPR have reviewed the BS4142 Assessment Report, produced by Guernsey Electricity Ltd, dated 5th June 2024, ref. Project P000002-01-12-0129, submitted in relation to the proposed plans for the installation of a new electrical substation and Glass-fibre Reinforced Polyester (GRP) enclosure to the south-west boundary of the above land parcel.

Whilst the assessment report shows that the Rating level of the new substation would be 4.3 dB above the LA90 Background level, it is noted that this has not been calculated at 1-metre from the façade of the nearest noise sensitive premises. OEHPR have carried out an approximate calculation using the data in the report which shows the substation as proposed should not exceed a level 5 dB(A) below the existing LA90 background noise level at the nearest noise sensitive property.

OEHPR do not object to the installation of the substation in the proposed location, however, to protect residents' amenity a planning condition is recommended.

Summary of Issues:

The key issues in this case relate to the principle of the development, its design and appearance and likely effect on the character and appearance of the locality and the potential impact on residential amenity with regard to noise and nuisance.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

It is understood that electricity transmission and distribution, includes sub-stations and are essential infrastructure required to ensure inhabitants of Guernsey have access to electricity. Substations have a finite life and it is necessary to continually replace and upgrade substations. New substations are required for new and expanding electricity requirements (domestic and commercial) and Guernsey Electricity undertook an appraisal of alternative locations and design options before submitting such applications.

The scheme would contribute to the maintenance and support of efficient infrastructure and meets the aims of Policy IP11 of the Island Development Plan.

It is noted that the substation will be situated in the corner of a field which will be visible across the open agricultural land from Fort Road. The substation will however, be viewed in the context of existing built development in Damouettes Lane. It is not considered to have an unacceptable adverse effect on the open landscape concerned with regard to GP1. The GRP covered substation would represent a good standard of design that respects the local open landscape concerned in accordance with the aims of Policy GP8.

Although the public consultation has challenged the reason for and location of the substation, the Planning Service must consider the application presented to them.

The GRP enclosure will provide a shield to the noise generated by the equipment housed within. Furthermore, a planning condition has been recommended by the Office of Environmental Health and Pollution Regulation in order to address the potential noise nuisance that could arise from the proposed development. Overall, it is concluded that the development will not have an unacceptable impact on the amenities of the residential property to the north having regard to Policies GP8 and GP9 of the Island Development Plan. It would be unreasonable for the Planning Service to require the equipment to be relocated. There would be insufficient grounds on which to refuse the current application.

In view of the above it is recommended planning permission is granted for the proposed development.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 14/06/2024

